

REASONS THAT PRE-APPEAL BRIEF REVIEW IS REQUESTED

Claims 1-4, 6-25, and 27-33 are pending in this application. Applicant appeals the rejection of all pending claims.

I. Claims 1-4, 6-25, and 27-33 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,665,395 to Busey et al. (“Busey”) in view of U.S. Patent No. 6,771,765 to Crowther et al. (“Crowther”).

A. All the pending claims have been rejected as being obvious over Busey in view of Crowther. The claims recite that no additional exclusive media type contact is routed for the duration of the current exclusive media type contact while the non-exclusive media type contacts may still be routed to the entity. Neither Busey nor Crowther teach or suggest contact distribution which prevents further contact of the exclusive type when an exclusive type has already been assigned while still assigning non-exclusive types. The exclusive or highest level of priority identified by the Office Action in Crowther prevents all further assignment of lower priority contacts. Thus, the claims are distinguishable over Crowther and Busey on this basis alone.

Further, Crowther discloses a queuing mechanism based upon agent skillsets. Media type is defined in the application as referring to the source or access channel over which the call is processed (p.4, 2nd para.) and as claimed is clearly distinguishable from the agent skills to which Crowther is addressed. The Office Action asserts that agent skills are not distinguishable from media type because agent skills are basically tied to the media type. In fact, media type and skillsets are entirely different concepts. Skillsets concern agent attributes, and media type concerns attributes of a communication channel. For example, the Office Action equates exclusive media type with the highest

interruptability level. However, Crowther states “the interrupt level defines....whether agents assigned to a skillset may be interrupted....” (Col. 5, lines 10-12). This is clearly a characteristic assigned to the agent while media type is a characteristic of the media channel. Thus, even if an agent’s skillset would allow the agent to be interrupted, the claimed system would not assign the call if the media channel was exclusive and the agent was already handling an exclusive media channel. Thus, the interruptability level assigned to agent skillsets taught by Crowther is entirely different from the claimed media type. As a consequence, Crowther concerns matching agent skills to requirements of calls while the invention concerns the opposite, matching media type (i.e. channel attributes) to agents. Since interrupt levels in Crowther are assigned to skillsets, they do not teach or suggest the exclusive or non-exclusive media types of the application, and there is no teaching to support applying the Crowther interrupt to the media types of the claims.

The Office Action asserts that media type determines the type of request that needs to be handled by an agent with a particular skillset citing the example in Crowther of an agent logged into a telephone (col. 3, lines 60-67). However, that is merely an instance in which a specific agent is physically able to receive only telephone calls, not one in which the system determines the media type as exclusive or a non-exclusive, but rather defines the given agent as receiving exclusively telephone calls did not even prevent the agent from receiving other “exclusive” calls while handling the first or exclude other exclusive media types. The Office Action further asserts that Crowther (at col. 6, lines 55-56) teaches an interruptability level of 1 for some calls which cannot be interrupted. However, this is a priority level attached to the agent's skills and not the

media type. ("agent 330 is logged into...skill sets at priority levels p1."). The interruptability levels in Crowther are based on agent skillsets, not media type. Thus, there is no teaching that supports applying interrupts to media types and no support for using interrupt levels of 1 for media type exclusivity. Accordingly, Busey and Crowther cannot be combined to render the independent claims 1, 13, 21 and 22 obvious.


The Office Action also asserts that the difference between media type and agents skills is irrelevant because the claims don't recite "skills." However, that is precisely the point, the claims recite "media type" which is distinguishable over the "agent skills" disclosed in the cited prior art. Thus, it is Crowther's agent skills which are irrelevant. Further, the Office Action assumes that the exclusive media type is same as the highest interruptability level, and the non-exclusive media type is the same as the lowest interruptability level. However, this is not accurate. The media type concerns characteristics of the media channel, and is not an agent or agent skillset interruptability level. Therefore, all independent claims 1, 13, 21 and 22 are distinguishable for all the above reasons and the remaining dependent claims 2-4, 6-12, 14-20, 23-25, and 27-33 which depend on the allowable base claims are also distinguishable.

In addition, with regard to claims 7, 8, and 13-33, which recite determining a metric of how many customer contacts of the media type have been assigned, Busey and Crowther do not teach this feature. The endpoint described in Busey at Col. 11, lines 15-67 cited in the Office Action, concerns a single communications line and does not distinguish media type. Thus, Busey is not concerned with the maximum number of contacts of the media type but merely the maximum number of contacts. Therefore, claims 7, 8, and 13-33 are further distinguishable for this reason. Also transaction

routing tables are recited in claims 8-10, 13-21, and 29-31 but such routing tables are not disclosed by Busey or Crowther, and therefore claims 8-10, 13-21 and 29-31 are believed to be further distinguishable for this reason as well.

Respectfully submitted,

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January 9, 2008

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